

House Bill 767 (AS PASSED HOUSE AND SENATE)

By: Representatives Williams of the 165th, Barnard of the 166th, and Stephens of the 164th

A BILL TO BE ENTITLED

AN ACT

To amend an Act entitled "An Act to provide a homestead exemption from Liberty County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead," approved May 17, 2004 (Ga. L. 2004, p. 3818), so as to define a certain term so that such exemption shall extend to repairs or improvements to the homestead not exceeding 5 percent; to provide for a referendum, effective dates, applicability, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act entitled "An Act to provide a homestead exemption from Liberty County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead," approved May 17, 2004 (Ga. L. 2004, p. 3818), is amended by revising subsection (a) as follows:

"(a) As used in this Act, the term:

(1) 'Ad valorem taxes for county purposes' means all ad valorem taxes for county purposes levied by, for, or on behalf of Liberty County, including, but not limited to, any ad valorem taxes to pay interest on and to retire county bonded indebtedness.

(2) 'Base year' means the taxable year immediately preceding the taxable year in which the exemption under this Act is first granted to the most recent owner of such homestead; provided, however, that the tax commissioner shall adjust the base year assessed value annually by the lesser of 3 percent or the percentage change in the Consumer Price Index for all urban consumers, U. S. City Average, all items 1967-100, or successor report as reported by the United States Department of Labor Bureau of Labor Statistics.

(3) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include only the

primary residence and not more than five contiguous acres of land immediately surrounding such residence.

(4) 'Improvement' means repairs or improvements or both during any 12 month period which combined exceed 5 percent of the adjusted base year assessed value of the homestead."

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Liberty County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Liberty County for approval or rejection. The election superintendent shall conduct that election on the Tuesday next following the first Monday in November, 2007, and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Liberty County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides that the homestead exemption from Liberty County ad valorem taxes for county purposes in an amount
() NO equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead shall extend to improvements up to 5 percent of the value of the homestead?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2008 and shall apply to the 2008 and subsequent tax years. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Liberty County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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SECTION 4.

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All laws and parts of laws in conflict with this Act are repealed.